THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11531 OF 2000

DATED: 01-05-2007

Between :

M/s. M. V. Rao and company, rep. by its
Proprietor Tadi Adireddy .... Petitioner

And

Hindustan Petroleum Corporation Limited,
Rep. by its Regional Officer, Petro Nilayam,
Post Box No.135,
Visakhapatnam District-530 014. .. Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11531 OF 2000

ORDER :

This writ petition is filed seeking a declaration that the action of the respondent-Corporation in not supplying motor spirit/unleaded petrol and high speed diesel to the petitioner's out-let situated at Gokavaram, East Godavari District as arbitrary and illegal.

When the matter is taken up for consideration, it is brought to my notice by the learned counsel for both the parties that W.P.Nos.8145 & 9041 of 2000 filed under identical circumstances with similar prayer were disposed of by this Court along with a batch of writ petitions by common order dated 12-3-2001. The said order may be extracted hereunder:

> *"The dispute in the instant batch of writ petitions relates to as to whether the petitioners are entitled to continue their business simultaneously at the places of resitement of the retail outlet and the existing outlet. The question is as to whether a dealer has to close the existing outlet before starting operation at the new site.*
>
> *Learned Standing Counsel appearing on behalf of the respondent-Corporation, raised a threshold objection as to the maintainability of the writ petition itself. It is contended that the relationship between the dealers and the respondents-Companies is regulated by the agreement entered into by and between the parties in the normal course of commercial transaction. It is contended that the public law remedy under Article 226 of the Constitution of India is not available to the petitioners.*
>
> *Learned Counsel appearing on behalf of the petitioners seek leave of this Court to withdraw the writ*

petitions with leave to avail such remedies as may be available to the petitioners in law. Leave is accordingly granted.

However, learned Standing Counsel appearing on behalf of the respondents-Oil Corporations do not dispute that the dealers are entitled to sell at the resited places. The statement is made part of the record.

The writ petitions shall accordingly stand dismissed as withdrawn. Consequently, the interim orders earlier granted by this Court shall stand vacated. No order as to costs."

Since the petitioner herein is also similarly situated, following the above order this Writ Petition is dismissed granting leave and liberty to the petitioner to avail such remedies as may be available under law. No costs.

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G. ROHINI, J.

Dt.01-05-2007

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